

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

MARJORIE GOODMAN AND BRADLEY GOODMAN,

Appellant-Respondents

v.

HOLLY ANGLE, LMT.

Respondent-Appellant

DOCKET NUMBER WD72602 and WD72915

DATE: June 21, 2011

Appeal From:

Circuit Court of Jackson County, MO
The Honorable John M. Torrence, Judge

Appellate Judges:

Division One
Gary D. Witt, P.J., James Edward Welsh, and Alok Ahuja, JJ.

Attorneys:

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**MARJORIE GOODMAN AND BRADLEY
GOODMAN, Appellant-Respondents, v.
HOLLY ANGLE, LMT, Respondent-Appellant**

WD72602 and WD72915

Jackson County

Before Division One Judges: Witt, P.J., Welsh, and Ahuja, JJ.

Marjorie Goodman and Bradley Goodman ("the Goodmans") appeal the circuit court's judgment following a jury verdict in favor of Holly Angle, LMT, on the Goodmans' negligence and loss of consortium claims against Angle. The Goodmans claim that the circuit court clearly erred in overruling their *Batson* challenges to Angle's use of her peremptory strikes against three minority venirepersons. The Goodmans also claim that the circuit court abused its discretion in refusing to allow them to cross-examine Angle about collateral issues that they contend would have impeached her credibility. Angle filed a cross-appeal, which is contingent upon our reversing and remanding for a new trial.

AFFIRMED. CROSS-APPEAL DENIED AS MOOT.

Division One holds:

(1) The circuit court did not clearly err in overruling the Goodmans' *Batson* challenges to Angle's striking three minority venirepersons. With regard to Angle's striking Venireperson 9, the degree of logical relevance between Angle's explanation for the strike and the nature of the issues in the case supports the circuit court's determination that the explanation was race-neutral. With regard to Angle's striking Venireperson 17, the Goodmans' failure to challenge Angle's race-neutral reasons at trial precludes them from challenging those reasons on appeal. Finally, with regard to Angle's striking Venireperson 21, we find that, under the circumstances of the case, the circuit court could have reasonably found Angle's race-neutral explanation plausible.

(2) The circuit court did not abuse its discretion in refusing to allow the Goodmans to question Angle about her continuing education books, which the Goodmans contend would have impeached her credibility. The Goodmans' offer of proof failed to demonstrate the facts essential to establish admissibility, namely, that Angle ever used or even agreed with the allegedly unconventional practices and techniques in the books. After reviewing the admissibility of their proposed examination *ex gratia*, we find that evidence of Angle's receiving and retaining the information contained in the books was not relevant to her credibility, her qualifications, or to any other issue in this case.

Opinion by James Edward Welsh, Judge

June 21, 2011

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